

# EXHIBIT 7

**From:** [Kevin Dean](#)  
**To:** [Turner, Joseph B. \(CIV\)](#); [Mirsky, Sara J. \(CIV\)](#); [Matthew D. Quinn](#); [jeb@belllegalgroup.com](mailto:jeb@belllegalgroup.com); [Bain, Adam \(CIV\)](#); [Lipscomb, Bridget \(CIV\)](#); [Ryan, Patrick J. \(CIV\)](#); [James A. Roberts](#); [Zina Bash](#); [Adams, Jennifer E \(CIV\)](#)  
**Cc:** [Brown, Emily](#); [Sarah Swett - Motley Rice](#)  
**Subject:** Re: CLJA - Quantico Inspection Screenshots & Documents  
**Date:** Saturday, February 3, 2024 2:00:01 PM

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Joey,

I was extremely surprised to receive your below email of February 2, 2024. You stated the following: “I write in response because your e-mail contains **misstatements of fact**, most significantly that the USMC historic legacy system that you and your colleagues visited Quantico to inspect **did not contain muster rolls for Camp Lejeune**.” I take this claim seriously.

In point of fact, I ***never*** said that the Network-Attached System (“NAS”) in Quantico “did not contain muster rolls for Camp Lejeune.” I am asking you to review my pertinent email (February 1, 2024) and identify the sentence in which I stated that the NAS did not contain muster rolls for Camp Lejeune. If you can find such a sentence, please respond and quote the same. I believe you will agree, once you read my email, that no such “misstatement of fact” was made.

That said, my email of February 1, 2024 made the point—which is incontestably true—that the NAS in Quantico did not contain the muster rolls responsive to Plaintiffs’ Corrected First Set of Requests for Production, Request No. 3. That request for production sought a specific, and important, set of muster rolls. In relevant part, Request No. 3 stated as follows: “Please produce the . . . data created as a result of the digitizing of the **61 million pages of USMC Camp Lejeune Muster Rolls representing over 5 million unique Service Members who were stationed at Camp Lejeune from the 1950s to 1971 which was performed by the USMC via contract beginning in 2013 and completed by December 2015 based on the 2013, 2014, and 2015 VA/DoD Executive Committee Annual Reports.**”

To be really clear, Request No. 3 did not seek just any muster rolls from Camp Lejeune. Instead, Request No. 3 sought the collection of “61 million pages of USMC Camp Lejeune Muster Rolls representing over 5 million unique Service Members,” which was digitized in 2013 through 2015. The existence of these digitized muster rolls is clearly described in several “VA/DoD Joint Executive Committee Annual Joint Reports.” For instance, the Joint Report for Fiscal Year 2015 stated as follows:

The USMC worked with VA and identified DoD databases that could provide historical residence data at Camp Lejeune. The USMC kept attendance lists of names, called muster rolls, and has started digitizing the muster rolls for the period of 1940 to 2005. Almost 61 million pages of records will be digitized in December 2015 and will enable the USMC to perform searches for individual Veterans for VA.

See VA/DoD Joint Executive Committee Annual Joint Report, Fiscal Year 2015, at p 13, *available* at [https://prhome.defense.gov/Portals/52/Documents/VA\\_DoD\\_JEC\\_Annual\\_Joint\\_Report\\_FY2015\\_SIGNED.pdf](https://prhome.defense.gov/Portals/52/Documents/VA_DoD_JEC_Annual_Joint_Report_FY2015_SIGNED.pdf).

The government's emails repeatedly indicated that the muster rolls sought by Request No. 3 were on the NAS in Quantico. For example, the government's email of January 23, 2024 stated that "Request 3 relates to muster rolls from the 1950s-71, which are in the possession of the Marine Corps," and further stated that "the USMC has agreed to meet with Plaintiffs in Quantico on January 30 to review the legacy system in person." Similarly, the government's letter of January 12, 2024 contained a section entitled "Request No. 3" that discussed "the muster roll images located on the external Network-Attached Storage (NAS)" in Quantico." *See* p 2.

The record is clear that the inspection in Quantico was not designed to identify just any muster rolls from Camp Lejeune. To the contrary, the point of the inspection was to evaluate the technical ability to access the "61 million pages of USMC Camp Lejeune Muster Rolls representing over 5 million unique Service Members who were stationed at Camp Lejeune from the 1950s to 1971," as sought by Request No. 3. We are therefore disappointed by your attempt to minimize this issue to the fact that the NAS contained some limited number of Camp Lejeune muster rolls as opposed to the larger pool of muster rolls sought by Request No. 3.

Moreover, it was clear that these 61 million pages of USMC Camp Lejeune muster rolls were not on the NAS. If you disagree, please let us know immediately.

We certainly acknowledge that mistakes committed in good faith can happen. However, had the Department of Justice conducted the most basic communications with the USMC personnel responsible for the NAS, the Department of Justice would have learned that the NAS clearly did not contain the muster rolls sought in Request No. 3. As noted below, the Marine personnel present during the inspection and involved in the retrieval operation were confused by our belief that the NAS might store the requested digitized muster rolls. In fact, the Marine personnel at the inspection had never even heard of the pertinent digitization project. It is difficult to understand why the Department of Justice did not discover months ago that the NAS in Quantico was not responsive to Request No. 3.

Finally, and most importantly, your below email did not answer the principal question in my February 1, 2024 email, namely the following: **What is the location of the digitized muster rolls sought by Request No. 5? Please do not force us to file a motion to compel this information known to exist.**

We ask that you answer this question immediately.

Sincerely,

Kevin Dean

Kevin R. Dean  
Member, Motley Rice LLC  
Operating today at Bell Legal Group through Secure Email Server  
Cell: 843-834-1130

**From:** Turner, Joseph B. (CIV) <Joseph.B.Turner@usdoj.gov>

**Sent:** Friday, February 2, 2024 12:44:59 PM

**To:** Kevin Dean <kdean@belllegalgroup.com>; Mirsky, Sara J. (CIV) <Sara.J.Mirsky@usdoj.gov>; Matthew D. Quinn <MatthewQuinn@lewis-roberts.com>; J Edward Bell <jeb@belllegalgroup.com>; Bain, Adam (CIV) <Adam.Bain@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>; Ryan, Patrick J. (CIV) <Patrick.J.Ryan@usdoj.gov>; James Roberts <jimroberts@lewis-roberts.com>; Zina Bash <zina.bash@kellerpostman.com>; Adams, Jennifer E (CIV) <Jennifer.E.Adams@usdoj.gov>

**Cc:** Brown, Emily <ebrown@motleyrice.com>; Sarah Swett - Motley Rice <sleblanc@motleyrice.com>

**Subject:** RE: CLJA - Quantico Inspection Screenshots & Documents

Dear Kevin,

Thank you for your e-mail of February 1, 2023. I write in response because your e-mail contains misstatements of fact, most significantly that the USMC historic legacy system that you and your colleagues visited Quantico to inspect did not contain muster rolls for Camp Lejeune. To put this in context, I believe it's necessary to set forth the timeline of communication leading to the January 30 inspection.

In its November 27, 2023, letter to Plaintiffs, the United States provided the following:

The United States is continuing to work with the United States Marine Corps to determine whether the Marine Corps can access the historic legacy system that contains previously digitized muster rolls that *may be* responsive to this Request. Separate and apart from any prior digitization, the United States has recently confirmed that the United States Marine Corps is currently digitizing records that are responsive to this Request. This current digitization effort began before the Camp Lejeune Justice Act was enacted. In other words, the United States Marine Corps is working on two fronts to make digitized copies of these records available to Plaintiffs as soon as possible. (emphasis added).

The United States' November 27, 2023, letter is attached for your reference.

On December 21, 2023, the United States shared a subsequent update in relation to these efforts:

Regarding digitized records responsive to this Request, the United States Marine Corps is continuing with its server restoration work, and is coordinating with Dell Engineers to gain access to these records. The United States is receiving weekly updates relating to these efforts and will continue to share the updates with Plaintiffs as the work proceeds. As of today, the Marine Corps was able to get the server online, but they have

not yet been able to access the relevant records. Strenuous efforts to do so are ongoing.

The United States' December 21, 2023, letter is also attached for your reference.

Leading up to the January 30, 2024, Quantico inspection, the United States provided weekly updates regarding the status of the NAS work. These updates represented an ongoing effort by the United States to be transparent and set expectations. One week prior to the inspection, Plaintiffs stated the following on January 25, 2024: “[U]pon further reflection, we think it important to conduct the inspection as initially planned so that the parties can continue to make progress on these muster roll issues.” In response, the United States agreed that the inspection would be informative and reiterated “that it was never clear whether this legacy system would provide responsive documents to Plaintiffs’ RFPs.”

The United States has never represented that “the NAS in Quantico [c]ontained digitized muster rolls ‘for over 5 million unique service members who were stationed at Camp Lejeune from the 1950s to 1971.’” The quoted language in Plaintiffs’ email is from Plaintiffs’ RFP – not the United States’ representations. The United States has repeatedly emphasized that the NAS restoration effort *may* result in the production of muster rolls responsive to this request. As soon as the United States learned this did not seem possible from a technology standpoint, we alerted Plaintiffs and organized the inspection.

Furthermore, the United States disagrees with the assertion that “the NAS did not contain the digitized muster rolls requested by the PLG.” In fact, a number of the files displayed during the demonstration were muster roll files, including a muster roll file from Camp Lejeune (*See* attached example). The fact that the inspection was unable to retrieve the muster roll file for a particular plaintiff did not show that muster roll files did not exist on the NAS. The USMC team offered to perform additional searches for Plaintiffs during the inspection, but Plaintiffs turned down this offer. The United States believes this inspection was productive, as it provided Plaintiffs with a guided, in-depth overview of the USMC’s efforts to restore the NAS system and the files stored within it. Again, the USMC is continuing its separate digitization project, which includes the digitization of muster rolls, unit diaries, and additional records. These hardcopy documents are located in Alexandria, VA, and have been available for inspection beginning November 4, 2023.

Joey Turner  
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**From:** Kevin Dean <kdean@belllegalgroup.com>

**Sent:** Thursday, February 1, 2024 1:29 PM

**To:** Turner, Joseph B. (CIV) <Joseph.B.Turner@usdoj.gov>; Mirsky, Sara J. (CIV) <Sara.J.Mirsky@usdoj.gov>; Matthew D. Quinn <MatthewQuinn@lewis-roberts.com>; J Edward Bell <jeb@belllegalgroup.com>; Bain, Adam (CIV) <Adam.Bain@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>; Ryan, Patrick J. (CIV) <Patrick.J.Ryan@usdoj.gov>; James Roberts

<jimroberts@lewis-roberts.com>; Zina Bash <zina.bash@kellerpostman.com>; Adams, Jennifer E (CIV) <Jennifer.E.Adams@usdoj.gov>

**Cc:** Brown, Emily <ebrown@motleyrice.com>; Sarah Swett - Motley Rice <sleblanc@motleyrice.com>

**Subject:** [EXTERNAL] Re: CLJA - Quantico Inspection Screenshots & Documents

Joey,

I appreciate the government's hosting an inspection of the Network Attached Storage ("NAS") in Quantico on January 30, 2024. We are presently evaluating the results of that inspection and will likely be sending further correspondence in the near future. However, there is one matter that is especially pressing that must be addressed now. Specifically, the NAS did not contain the digitized muster rolls requested by the PLG. We are writing to ask the government to advise, within 5 days, where the requested digitized muster rolls are being stored.

The inspection in Quantico was conducted in response to the PLG's Corrected First Set of Requests for Production, Request No. 3. For reference, that request sought the following digitized muster rolls:

Please produce the ESI, as defined herein, and data created as a result of the digitizing of the 61 million pages of USMC Camp Lejeune Muster Rolls representing over 5 million unique Service Members who were stationed at Camp Lejeune from the 1950s to 1971 which was performed by the USMC via contract beginning in 2013 and completed by December 2015 based on the 2013, 2014, and 2015 VA/DoD Executive Committee Annual Reports.

(Please note that our quotation of the above is not intended to re-trigger any prior request for ESI.)

The government's various emails and letters clearly indicated that the NAS in Quantico contained—barring any technological issues with retrieval—the digitized muster rolls created pursuant to the above-described project. For instance, the government's letter of January 12, 2024 contained a section entitled "Request No. 3 (RFP Set No. 1)" that discussed "muster roll images located on the external Network-Attached Storage (NAS)." *See* page 2. Further, the government's email of January 23, 2024 stated that "Request 3 relates to muster rolls from the 1950s-71, which are in the possession of the Marine Corps," and further stated that "the USMC has agreed to meet with Plaintiffs in Quantico on January 30 to review the legacy system in person."

In short, the government has repeatedly indicated that the NAS in Quantico, which was inspected on January 30, 2024, contained digitized muster rolls responsive to Request No. 3—namely, digitized muster rolls for "over 5 million unique Service

Members who were stationed at Camp Lejeune from the 1950s to 1971.” The PLG waited patiently for several months while the government attempted to retrieve these digitized muster rolls from the NAS. Further, the PLG expended significant time and resources attending the inspection in Quantico on January 30, 2024.

The inspection in Quantico incontestably revealed that the referenced NAS does not contain the digitized muster rolls sought by Request No. 3. In fact, the Marine personnel present during the inspection and involved in the retrieval operation were flummoxed by our belief that the NAS might store the requested digitized muster rolls. A simple conversation between the Department of Justice and the Marines involved with the NAS would have immediately disclosed that the NAS was irrelevant to the PLG’s discovery requests. It is difficult to understand why this issue was not revealed months ago.

We ask that the DOJ disclose, within 5 days, the location of the digitized muster rolls sought by Request No. 5.

Sincerely,

Kevin

Kevin R. Dean  
Member, Motley Rice LLC  
Operating today at Bell Legal Group through Secure Email Server  
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Get [Outlook for iOS](#)

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**From:** Turner, Joseph B. (CIV) <[Joseph.B.Turner@usdoj.gov](mailto:Joseph.B.Turner@usdoj.gov)>

**Sent:** Wednesday, January 31, 2024 2:13:20 PM

**To:** Kevin Dean <[kdean@belllegalgroup.com](mailto:kdean@belllegalgroup.com)>; Mirsky, Sara J. (CIV) <[Sara.J.Mirsky@usdoj.gov](mailto:Sara.J.Mirsky@usdoj.gov)>; Matthew D. Quinn <[MatthewQuinn@lewis-roberts.com](mailto:MatthewQuinn@lewis-roberts.com)>; J Edward Bell <[jeb@belllegalgroup.com](mailto:jeb@belllegalgroup.com)>; Bain, Adam (CIV) <[Adam.Bain@usdoj.gov](mailto:Adam.Bain@usdoj.gov)>; Lipscomb, Bridget (CIV) <[Bridget.Lipscomb@usdoj.gov](mailto:Bridget.Lipscomb@usdoj.gov)>; Ryan, Patrick J. (CIV) <[Patrick.J.Ryan@usdoj.gov](mailto:Patrick.J.Ryan@usdoj.gov)>; James Roberts <[jimroberts@lewis-roberts.com](mailto:jimroberts@lewis-roberts.com)>; Zina Bash <[zina.bash@kellerpostman.com](mailto:zina.bash@kellerpostman.com)>; Adams, Jennifer E (CIV) <[Jennifer.E.Adams@usdoj.gov](mailto:Jennifer.E.Adams@usdoj.gov)>

**Cc:** Brown, Emily <[ebrown@motleyrice.com](mailto:ebrown@motleyrice.com)>; Sarah Swett - Motley Rice <[sleblanc@motleyrice.com](mailto:sleblanc@motleyrice.com)>

**Subject:** CLJA - Quantico Inspection Screenshots & Documents

Counsel,

Attached are the requested screenshot copies and Excel export from the Quantico inspection/demonstration on January 30. Thank you.

Joey Turner  
Trial Attorney

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Environmental Torts Litigation  
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